

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139906/JO/2024

Date registered valid: 29 April 2024

Proposal: Removal of condition 5 (obscure glazing) attached to planning permission 135558/FH/2022

Address: 9 Gillbrook Road, Manchester, M20 6WH

Ward(s): Didsbury East Ward

Applicant: Miss Nicola Richardson

Agent (if any):

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 24 June 2024

Application details

Type of application: Variation or Removal of Condition

Development type: Householder

Date of site visit: 22 November 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 8 May 2024 Expired: 30 May 2024

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

The application relates to a two storey end-terrace C3 dwellinghouse of common brick with a slate roof. The property features an original two storey rear outrigger, and the plot includes front and rear gardens bound by brick walls.

Description of area

Gillbrook Road is predominantly residential in nature and located between the Didsbury centre and Didsbury Park. The area is characterised by red and common brick terraces with bay windows and round decorative doorways.

The Proposal

The application ref 135558/FH/2022 was approved for the erection of first floor rear extension, new porch to front and installation of dormer to rear, including elevation alterations to provide additional living accommodation and installation of wall with railings. The first and second floor side elevation windows on the gable facing the other side of Rushton Street were conditioned to be obscurely glazed. This application seeks to remove the condition.

Planning History

108842/FH/2015/S2 Erection of a single storey rear extension Approved

Condition to be Removed: Condition (5)

The first floor and second floor bedroom windows on the side elevation of the dwelling house, shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or other such other equivalent and shall remain so in perpetuity.

Reason- To protect the amenity and living conditions of adjacent residential properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and one letter of objection was received raising concerns the removal of the obscure glazing from the first and second floor side elevation, would result in overlooking, detrimental to the privacy for the occupiers of the surrounding properties.

Issues

Policy and Issues

The following policies are considered relevant in the consideration of this application.

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance.
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered the proposal does not accord with the principles of this policy document.

Principle - The applicant is seeking to remove Condition 5 in respect of the obscure glazing to the two windows on the side elevation of the property, which was attached to a previous planning approval 135558/FH/2022.

The matters that require consideration, in order to assess the acceptability of the windows, is whether the proposal has an impact on the residential amenity of the neighbouring occupiers at number 7 Gillbrook Road.

The principle of the extension to the property has previously been established by the approval of planning application 135558/FH/2022. Therefore, matters such as siting, scale, massing, design and appearance have already been established. The approved scheme included the erection of first floor rear extension, new porch to front and installation of dormer to rear, including elevation alterations to provide additional living accommodation and installation of wall with railings.

Condition 5 attached to the approved drawings stated that the two windows on the side elevation of the extension should be obscurely glazed, in order to prevent any overlooking and loss of privacy for the occupiers or future occupiers of the adjacent properties.

Currently, there is clear glazing installed in the second-floor windows installed during the alterations to the property.

The position for the proposed side windows would result in overlooking to the nearby residential property in particular no 7 Gillbrook Road. Views from the first and second floor window would result in direct overlooking into the rear garden area and the window of the outrigger of no 7 Gillbrook Road. Therefore, it is believed that the condition is still required due to the impact on the residential amenity in terms of overlooking and intrusion upon the residents and future residents of the neighbouring property at number 7 Gillbrook Road. The proposal therefore is not in accordance with DM1 and SP1 of the Core Strategy and DC1 of the UDP.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have

worked with the applicant in a positive and proactive manner, however concerns were raised during the course of the application to the agent. The agent advised the applicant wished to proceed with the determination of the application with the route of refusal and as such no alternative scheme was provided during the course of the application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The first and second floor windows in the side elevation of the extension was conditioned, under planning application 135558/FH/2022, to be obscurely glazed in order to reduce any overlooking and loss of privacy to the residents and future residents of the neighbouring property at 7 Gillbrook Road.

The removal of Condition 3 (obscure glazing) is considered to be detrimental to the residential and visual amenity of the neighbouring property at number 7 Gillbrook Road, as it will have a harmful impact on residential amenity and therefore contrary to policies SP1 and DM1 of the Manchester Core Strategy (2012) and extant policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

2B Gillbrook Road, Manchester, M20 6WH
2A Gillbrook Road, Manchester, M20 6WH
13 Gillbrook Road, Manchester, M20 6WH
7 Gillbrook Road, Manchester, M20 6WH
18 Grange Lane, Manchester, M20 6RW
4 Rushton Street, Manchester, M20 6RP
6 Rushton Street, Manchester, M20 6RP
1 Rushton Street, Manchester, M20 6RP
11 Gillbrook Road, Manchester, M20 6WH
3 Rushton Street, Manchester, M20 6RP
2 Rushton Street, Manchester, M20 6RP

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH AREA